

The Regular Meeting of the Troy City Planning Commission was called to order by Chair Waller at 7:32 p.m. on February 10, 2004, in the Council Chambers of the Troy City Hall.

1. ROLL CALL

Present:

Gary Chamberlain
Lynn Drake-Batts
Lawrence Littman
Robert Schultz
Walter Storrs
Thomas Strat
David T. Waller
Wayne Wright

Absent:

Mark J. Vleck

Also Present:

Brent Savidant, Principal Planner
Allan Motzny, Assistant City Attorney
Kathy Czarnecki, Recording Secretary

Resolution # PC-2004-02-014

Moved by: Chamberlain

Seconded by: Schultz

RESOLVED, that Mr. Vleck be excused from attendance at this meeting.

Yes: All present (8)

No: None

Absent: Vleck

MOTION CARRIED

2. MINUTES

Resolution # PC-2004-02-015

Moved by: Chamberlain

Seconded by: Schultz

RESOLVED, to approve the January 27, 2004 Special/Study Meeting minutes and February 3, 2004 Special/Study Meeting minutes as published.

Yes: Chamberlain, Drake-Batts, Littman (2-3-04 minutes), Schultz, Storrs, Strat
No: None
Abstain: Littman (1-27-04 minutes), Waller, Wright
Absent: Vleck

MOTION CARRIED

Chair Waller announced that the Preliminary Site Plan Review of the proposed Custer Estates Site Condominium for which Public Hearing notices were mailed has been removed from the agenda to give the petitioner more time to complete his application.

3. PUBLIC COMMENTS

There was no one present who wished to speak.

TABLED ITEM

4. PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT (ZOTA 202) – Outdoor Storage of Commercial and Recreational Vehicles in M-1 Light Industrial District

PUBLIC HEARING OPENED

No one was present to speak.

Mr. Savidant reported that this item was discussed at the February 3, 2004 Special/Study Meeting and it was the determination of the Planning Commission to table the item to the February 24, 2004 Special/Study Meeting.

Resolution # PC-2004-02-016

Moved by: Littman
Seconded by: Chamberlain

RESOLVED, that this item be tabled until the March 9, 2004 Planning Commission Regular Meeting and that the Public Hearing remain open.

Yes: All present (8)
No: None
Absent: Vleck

MOTION CARRIED

SITE PLAN

5. **SITE PLAN REVIEW (SP 817 B) – Foot Specialty Clinic, Proposed Medical Office Building, South of Big Beaver, West side of Dequindre, Section 25 – B-1**

Mr. Savidant presented a summary of the Planning Department report for the proposed Foot Specialty Clinic. Mr. Savidant reported that the site plan meets all Zoning Ordinance requirements and it is the recommendation of the Planning Department to approve the site plan as submitted.

Mr. Chamberlain recommended that a dumpster location be designated on the site plan. Mr. Chamberlain recommended also that the site plan provide for only two trees on the Dequindre frontage to allow enough space for growth.

Mr. Savidant reported that the Zoning Ordinance does not require the petitioner to provide a dumpster, and it requires the petitioner to provide three trees.

Mr. Wright requested clarification on the required width of the two-way drive in the back of the building.

Mr. Savidant said 24 feet is required for an aisle way between parking spaces; the site plan designation of 22 feet is permissible because there is no parking involved.

Mr. Strat recommended that the trees be set back a good distance to avoid potential sight distance problems. Mr. Strat had concerns for potential drainage problems for the residents to the south. He also suggested that a dumpster location could be configured utilizing the additional parking space.

Mr. Savidant agreed that a dumpster enclosure could be configured by utilizing the excess parking space. He informed the Commission that it could place a condition on site plan approval that would require a dumpster to be screened per the Zoning Ordinance should one be placed on the site after this date.

Mr. Strat suggested a landscape buffer for the residents to the south. He also asked if the County has reviewed the site plan as it relates to the 30-foot approach onto Dequindre Road.

Mr. Savidant replied that the Planning Department has not received any response from the Oakland County Road Commission.

Mr. Savidant confirmed that any landscaping within the landscaped greenbelt would be undertaken with the supervision of the City's landscape analyst, and suggested that the Commission consider the landscaping as a design recommendation as part of plan approval.

Mr. Schultz expressed concern with the proposed outdoor lighting as relates to the adjacent residents.

The petitioner, Sabah Hermiz of Summa Engineering, 28580 Orchard Lake Road, Suite 107, Farmington Hills, was present. Mr. Hermiz provided the Commission detailed specifications on the proposed outdoor lighting and noted that the lights shine down. Mr. Hermiz said that through the design process, it was discovered that placement of the storm water detention pipe may be too near the pavement. Mr. Hermiz and the Engineering Department are working together to arrive at the best solution for drainage and to ascertain if the requirement for the underground detention should be waived.

Mr. Hermiz said he would be amenable to providing landscaping to the south as a buffer for the residents, but noted that by doing so the aisle width will be reduced and therefore the maneuverability of vehicles in the parking area would be reduced. He said that he would also be amenable to the configuration of the parking space to provide for a dumpster enclosure. Mr. Hermiz explained that the one-foot setback on the north side is provided for construction purposes.

Mr. Littman asked how any medical waste would be disposed.

Dr. Nasin Oveys of 2899 E. Big Beaver Road, #289, Troy, was present. Dr. Oveys said a dumpster is not pleasing to the eye and confirmed her small practice would not have a need for a big dumpster. Dr. Oveys said that all medical waste must be picked up from inside the building.

A lengthy discussion continued addressing concerns with respect to (1) storm water detention, (2) dumpster provision and location, (3) landscape buffer to the south, (4) exterior lighting, and (5) building elevations.

Mr. Motzny referenced Section 39.70.09 of the Zoning Ordinance. His interpretation of the Zoning Ordinance is that a provision for a dumpster is not required, nor does it give the Planning Commission authority to impose that requirement.

Mr. Savidant affirmed that the petitioner has had conversations with the Engineering Department with respect to the storm water detention and drainage issues.

Resolution # PC-2004-02-017

Moved by: Chamberlain

Seconded by: Strat

RESOLVED, that the Preliminary Site Plan Approval, as requested for the proposed Foot Specialty Clinic, located south of Big Beaver on the west side of Dequindre, Section 25, within the B-1 Zoning District be granted, subject to the following conditions:

1. That the aisle width to the west of the building of the parking lot be reduced to 24 feet as required by ordinance and that that space currently being used be used at the south lot line in the southwest side of the parking lot for green space for neighbors.
2. That only two trees are required on the Dequindre frontage and both of them will be Canopy trees -- not be Evergreens. If the petitioner so desires that another tree be in there, that it be towards the building at the extreme west end of the green area on the north side of the entrance way.
3. That there will be no light trespass to the neighbors to the west or to the south of the property.
4. That the dumpster site be proposed for this property to be located to the rear of the building on the north property line next to the HVAC.

Discussion on the motion on the floor.

Mr. Savidant cited a fairly important technicality to the motion. Mr. Savidant reminded the Commission that it is a zoning ordinance requirement to provide three trees. He said that by reducing the number of required trees in the greenbelt, the Commission is placing a condition that basically is giving a variance on the approval. Mr. Savidant suggested that the Commission give consideration to a design consideration rather than a condition to site plan approval.

Mr. Chamberlain said no. He said that even planting two Canopy trees, neither tree would survive because they are planted too close together.

Mr. Savidant referenced Section 39.70.02 of the Zoning Ordinance, as clarification to the placement of the trees.

Mr. Motzny agreed with Mr. Savidant. He said that the appropriate body to grant a variance to a Zoning Ordinance requirement would be the Board of Zoning Appeals.

Mr. Chamberlain said the petitioner has no interest in going in front of the Board of Zoning Appeals, and that the trees will be planted and eventually die. Mr. Chamberlain said it costs the petitioner money to petition something that he doesn't care about and, in this case, the Commission should be caring about it. Mr. Chamberlain said the Zoning Ordinance is miswritten and it's being misinterpreted.

Mr. Chamberlain gave clarification on the motion with respect to the dumpster and landscape buffer.

Vote on the motion on the floor.

Yes: Chamberlain, Storrs, Strat, Waller
No: Drake-Batts, Littman, Schultz, Wright
Absent: Vleck

MOTION DENIED

Mr. Wright said he does not think the Commission can legally approve the site plan with a motion that is in violation of the Zoning Ordinance. He said he agrees with Mr. Chamberlain that the three trees will not thrive; but in order to fix that, the Zoning Ordinance must be changed first.

Ms. Drake-Batts said she does not see a reason to put an enclosure for a dumpster or require a dumpster.

Mr. Littman echoed not passing a motion that violates the Zoning Ordinance. Mr. Littman thinks that, while it might be prettier, having three extra feet of grass would not mean much for the residents on the other side of the wall and it creates an additional financial requirement on the petitioner that, in his opinion, is not warranted.

Mr. Schultz said although he is in vehement agreement with Mr. Chamberlain's statements about the trees, he thinks the Commission would be overstepping its authority if it granted a variance to the City ordinance.

Mr. Strat suggested moving the entire driveway to the south an additional 5 feet, which would result in a 30-foot distance for the trees.

Mr. Hermiz said that would encroach on the adjacent property owner, but he would be amenable to the suggestion if the property owner and County were agreeable.

Chair Waller proposed that the Zoning Ordinance be reviewed as relates to trees along the front yards as it poses a potential problem for narrow lots. It was noted that the matter is listed on the Commission's futures list under tree preservation.

Resolution # PC-2004-02--- (No roll call vote taken)

Moved by: Wright
Seconded by: Littman

RESOLVED, that the Preliminary Site Plan Approval, as requested for the proposed Foot Specialty Clinic, located south of Big Beaver on the west side of Dequindre, Section 25, within the B-1 Zoning District be granted, subject to the following conditions:

1. That the aisle width to the west of the building of the parking lot be reduced to 24 feet as required by ordinance and that that space currently being used be used at the south lot line in the southwest side of the parking lot for green space for neighbors.
2. That there will be no light trespass to the neighbors to the west or to the south of the property.
3. That the dumpster site be proposed for this property to be located to the rear of the building on the north property line next to the HVAC.
4. That the driveway off of Dequindre be moved 5 feet to the south so that the green area north of the driveway would be 30 feet rather than 25 feet.

(No roll call vote taken)

Resolution # PC-2004-02-018

Moved by: Storrs
Seconded by: Littman

RESOLVED, that the Preliminary Site Plan Approval, as requested for the proposed Foot Specialty Clinic, located south of Big Beaver on the west side of Dequindre, Section 25, within the B-1 Zoning District be tabled for two weeks to the February 24, 2004 Special/Study Meeting to allow the petitioner and the Planning Department to review further all concerns discussed tonight; i.e., dumpster designation, tree requirement, storm water detention and exterior lighting.

Yes: All present (8)
No: None
Absent: Vleck

MOTION CARRIED

ZONING ORDINANCE TEXT AMENDMENTS

6. PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT (ZOTA 199) – Article 03.40.00 Site Plan Approval

Mr. Savidant presented a summary of the Planning Department report for the proposed Zoning Ordinance Text Amendment.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Resolution # PC-2004-02-019

Moved by: Chamberlain
Seconded by: Schultz

RESOLVED, that the Planning Commission hereby recommends to the City Council that ARTICLE III (APPLICATIONS AND PROCEDURES) of the Zoning Ordinance, be amended as printed on the updated version, dated 12/09/03.

Yes: All present (8)
No: None
Absent: Vleck

MOTION CARRIED

7. **PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT (ZOTA 182) –**
Articles 12.00.00 and 30.10.08 R-1T One Family Attached Residential

Mr. Savidant presented a summary of the Planning Department report for the proposed Zoning Ordinance Text Amendment.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED**Resolution # PC-2004-02-020**

Moved by: Littman
Seconded by: Wright

RESOLVED, that the Planning Commission hereby recommends to the City Council that ARTICLE XII (R-1T ONE FAMILY ATTACHED RESIDENTIAL DISTRICT) of the Zoning Ordinance, be amended as printed on the updated version, dated 12/09/03.

Yes: All present (8)
No: None
Absent: Vleck

MOTION CARRIED

GOOD OF THE ORDER

Mr. Littman asked if the Legal Department has issued an opinion on the definition of a standing committee.

Mr. Motzny replied that the draft opinion is pending approval by the City Attorney. He indicated he would speak with the City Attorney to try to hurry the process along.

Chair Waller requested that the legal opinion be emailed to the Commission once it is available.

Mr. Schultz, referencing the site plan discussed tonight, said that although he agreed with Mr. Chamberlain in his initial motion, he felt it would set a precedent if the Commission started offering variances.

Mr. Strat, referencing the site plan discussed tonight, emphasized the importance of photometrics so that assurances can be provided to the Commission on certain site plan aspects. He also addressed the value of viewing elevations as part of site plan process.

Mr. Chamberlain asked to chat with everyone after the meeting with respect to a farewell party for Mr. Kramer.

Chair Waller said he has a request from Mr. Strat to attend the American Planning Association Annual Conference to be held April 24-28, 2004, in Washington, D.C. He said the Commission should discuss the request and vote on Mr. Strat's attendance. Chair Waller said that the activity of Mr. Strat attending the conference would be very much to the benefit of the City and Planning Commission. Chair Waller cited his two years of attendance [Chicago in 2002 and Denver in 2003] offered an amount of information that is almost overwhelming. Chair Waller opened the floor to entertain a motion for Mr. Strat to attend the conference.

Resolution # PC-2004-02-021

Moved by: Chamberlain
Seconded by: Schultz

RESOLVED, that the Planning Commission recommend that Mr. Strat be our representative at the Washington conference; and

FURTHER BE IT RESOLVED, That at the conclusion of the conference that he attends that at the earliest possible date of one of our study meetings, that he gives us a report back on what he learned at that conference, so thereby we also learn something.

Yes: All present (8)
No: None
Absent: Vleck

MOTION CARRIED

ADJOURN

The Regular Meeting of the Planning Commission was adjourned at 8:45 p.m.

Respectfully submitted,

David T. Waller, Chair-Elect

Kathy L. Czarnecki, Recording Secretary

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